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February 19, 2021

Via ECF

Hon. Mark Falk, U.S.M.J.
United States Chief Magistrate Judge for the District of New Jersey
United States District Court for the District of New Jersey
Frank Lautenberg Post Office & U.S. Courthouse
2 Federal Square
Newark, New Jersey 07102

RE: *Discover Growth Fund, LLC v. Anthony Fiorino, M.D., et al.*
Civil Action No. 2:20-cv-00351
Request for 14 Day Extension of Time to File Answer

Dear Judge Falk:

This firm has recently been retained by Defendant Jeffrey Paley, M.D. in the above-captioned matter. We write to the Court to respectfully request a 14-day extension of time for Dr. Paley to file a responsive pleading to the Plaintiff's Corrected Amended Complaint ("CAC"), currently due February 22. The background of this request is as follows:

This case was commenced by Plaintiff in January 2020, and motion practice followed. On January 25, 2021 Judge Cecchi entered an order denying in part, and granting in part Defendants' motion to dismiss. Thereafter, counsel for the Defendants sought and received a 14-day clerk's extension of time to respond to the CAC, up to the present due date of February 22.

This firm was retained by Dr. Paley this week to represent him in this matter. To date, all of the Defendants have been represented by the same counsel. As we have just been retained, we requested an additional 14-day extension of time from Plaintiff's counsel so that we may further

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familiarize ourselves with the case prior to the filing of the answer. Plaintiff's counsel would only consent to our request on the condition that Dr. Paley file no cross-claims or counterclaims. At this early stage of the case and our retention, we simply cannot agree to such a limitation. Accordingly, we are compelled to seek such relief from the Court. No preliminary conference has been scheduled in this matter and there appear to be no outstanding deadlines that such an adjournment would affect.

For the foregoing reasons we respectfully request that Your Honor permit Dr. Paley an additional fourteen days to respond to the CAC, up to and including March 8, 2021.

We thank the Court for its consideration.

Respectfully submitted,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

/s/ Joseph P. LaSala

Joseph P. LaSala

cc: Counsel of Record (via ECF)